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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,654	10/02/2003	Michael J. Miller	027A.0001.U1(US)	4091

29683 7590 02/20/2008

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EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
02/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,654	MILLER ET AL.	
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,46-50,56 and 57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,46-50,56 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Amendment filed: 11/21/2007. This action is made **Final**.

B. Claims 1-16, 46-50 and 56-57 remain pending.

C. Claim rejections under 35 USC 112 are withdrawn due to amendment.

D. Claim rejections under 35 USC 101 are withdrawn due to amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2,5-7,12-14,46,48,50 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,985,876) in view of Gudmundson et al. (US Patent 5,907,704), hereinafter "Gudmundson".

As to claim 1, Lee discloses a method to at least specify, document and prototype an instrument having specific user interface elements to meet individual customer/market needs (abstract), comprising displaying, with a graphical user interface, an image of a customer-selected instrument type (fig. 2B, label 34; col. 2, lines 22-29), the image shown in two dimensions and having a coordinate system (col. 7, lines 16-23, lines 50-55); enabling the customer to specify, with the graphical user interface, individual ones of a plurality of instrument parameters and horizontal and vertical locations thereof in the coordinate system (col. 7, lines 8-9, that the displayed image on a common display is in a 2 dimensional format and aligned via a coordinate system containing and "X" and "Y" axis) in a self-documenting fashion (fig. 2B, label 30 and col. 7, lines 13-23); developing at least one prototype instrument for the customer based on the selected parameters and the self-documentation (fig. 2B, label 34; col. 7, lines 36-47; col. 7, lines 16-23).

Lee does not teach enabling comprises enabling the customer to specify both a horizontal location and a Vertical location on the image of at least one of the instrument parameters in response to a selection of at least one type of instrument parameter, updating the displayed image to correspond to the selected instrument parameter.

However, Gudmundson teaches enabling comprises enabling the customer to specify both a horizontal location and a vertical location on the image of at least one of the instrument parameters (fig 3, labels 310, 3160, 316D; col. 24, lines 48-58, that are elements) in response to a selection of at least one type of instrument parameter (fig. 12G, label 1123; col. 41, lines 2-5), updating the displayed image to correspond to the selected instrument parameter (col. 49,lines 17-24).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Lee by enabling comprises enabling the customer to specify both a horizontal location and a vertical location on the image of at least one of the instrument parameters in response to a selection of at least one type of instrument parameter, updating the displayed image to correspond to the selected instrument parameter as taught by Gudmundson in order to change the location "X" or "Y" axis alignment (e.g. horizontal or vertical) of the elements on the display screen to provide the author the enhanced ability to design a multimedia file (image) to their preference.

As to claim 2, Lee further teaches manufacturing an instrument based on the selected instrument parameters and the self-documentation (fig. 2A, label 22; c01.6, lines 10-13 and col.7, lines 16-23).

As to claim 5, Lee teaches a method to specify a gauge (abstract), comprising:

in response to a user accessing a server coupled to a network (fig. 1; col. 3, lines 35-43), displaying an image of a user-selected gauge type(fig. 2B, label 34; col. 2, lines 22-29) comprising a set of configurable gauge functions located at a plurality of location in the image (col. 7, lines 1-6); displaying in association with the selected gauge type a set of visual aids corresponding to defined functions (col. 7, lines 2-5); enabling the user to specify ones of the configurable gauge functions using said set of visual aids (col. 6, lines 63-67; col. 7, lines 1-7) and a drag and drop technique for selecting individual visual aids from the set of visual aids and associating a selected visual aid with a configurable gauge function (col. 7, lines 6-7); and outputting a data file (col. 7, lines 24-31) for use in manufacturing at least one sample of the selected gauge type in accordance with the configurable gauge functions corresponding to the selected visual aids (fig. 2B, label 32; 13col. 7, lines 36-39).

Lee does not teach associating also associates the configurable gauge function with a defined function corresponding to the selected visual aid, wherein enabling comprises enabling the user to move using the drag and drop technique at least one of the configurable gauge functions in at least two dimensions on the image of the selected gauge type. "

However, Gudmundson teaches associating also associates the configurable gauge function with a defined function corresponding to the selected visual aid, wherein enabling comprises enabling the user to move using the drag and drop technique at least one of the configurable gauge functions in at least two dimensions on the image of the selected gauge type (col. 51, lines 9-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee by associating the configurable gauge function with a define function corresponding to the selected visual aid as taught by Gudmundson in order to provide an easy to use feature to modify an entry that is linked to a specific function and maintain the relationship while using the drag and drop technique.

As to claim 6, Lee further teaches where at least one of the configurable gauge functions is located at a fixed location in the image (fig. 4; col. 6, lines 44-48).

As to claim 7, Lee further teaches where the configurable gauge functions are located at user selected locations in the image (col. 6, lines 35-41).

As to claim 12, Lee teaches a tool operable to enable a user to specify a gauge (abstract), comprising a graphical user interface for displaying an image of a user-selected gauge type (fig. 2B, label 34; col. 2, lines 22-29) comprising a set of configurable functions located at a plurality of location in the image (lines 1-6), for displaying in association with the selected gauge type a set of visual aids corresponding to defined functions (col. 7, lines 2-5) and for enabling the user to specify individual ones of the configurable gauge functions using said set of visual aids (col. 6, lines 63-67; col. 71 lines 1-7) with a drag and drop technique for selecting individual visual aids

from the set of visual aids and associating a selected visual aid with a configurable gauge function (col. 7, lines 6-7), said tool being further operable for outputting a data file (col. 7, lines 24-31) for use in manufacturing at least one sample of the selected gauge type in accordance with the gauge functions corresponding to the selected visual aids (fig. 2B, label 32; col. 7, lines 36-39).

Lee does not teach associating also associates the configurable gauge function with a defined function corresponding to the selected visual aid, and wherein said graphical user interface enables a user to move using the drag and drop technique at least one of the configurable gauge functions in at least two dimensions on the image of the selected gauge.

However, Gudmundson teaches associating also associates the configurable gauge function with a defined function corresponding to the selected visual aid, and wherein said graphical user interface enables a user to move using the drag and drop technique at least one of the configurable gauge functions in at least two dimensions on the image of the selected gauge (col. 51, lines 9-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee by associating the configurable gauge function with a defined function corresponding to the selected visual aid as taught by Gudmundson to provide an easy to use feature to modify an entry that is linked to a specific function and maintain the relationship while using the drag and drop technique.

As to claim 13, Lee further teaches where at least one of the configurable gauge functions is located at fixed a location in the image (fig. 4; col. 6, lines 44-48).

As to claim 14, Lee further teaches where the configurable gauge functions are located at user selected locations in the image (col. 6, lines 35-41).

As to claims 46, 48 and 50, Lee does not teach the data file comprises a mapping data file configured to instruct a controller to map between gauge inputs and associated ones of the gauge functions.

However, Gudmundson teaches the data file comprises a mapping data file configured to instruct a controller to map between gauge inputs and associated ones of the gauge functions (col. 50, lines 57-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee by the data file comprises a mapping data file configured to instruct a controller to map between gauge inputs and associated ones of the gauge functions as taught by Gudmundson in order to provide an end product that is functional and operational based on the association in the data file (e.g., mapping).

As to claim 56, Lee teaches a method (Abstract), comprising: displaying a gauge face for a user-selected gauge type (fig. 2B, label 34; col. 2, lines 22-29), the gauge face shown in two dimensions (col. 7, lines 16-23, lines 50-55); displaying, in association with

the selected gauge type, a set of visual aids (col. 7, lines 2-5) at predetermined vertical and horizontal locations on the gauge face (lines 1-6), each of the visual aids corresponding to at least one potential gauge functions (col. 7, lines 6-7); enabling a user to specify at least one of the potential gauge functions for each of the selected ones of the visual aids in the set (col. 6, lines 63-67; col. 7, lines 1-7); outputting a data file (col. 7, lines 24-31) for use in manufacturing a sample of a gauge corresponding to the user-selected gauge type, the data file comprising data corresponding to the selected visual aids (fig. 2B, label 32; col. 7, lines 36-39); and based at least on the output data file (col. 7, lines 24-31), manufacturing the sample of the gauge (fig. 2B, label 32; col. 7, lines 36-39) wherein a gauge face of the gauge comprises symbols corresponding to the visual aids (fig. 2B, label 34; col. 2, lines 22-29), each symbol presented on the gauge face at a horizontal and vertical location that corresponds to a corresponding visual aid and horizontal and vertical locations thereof in the coordinate system (col. 7, lines 8-9, that the displayed symbol is aligned via a coordinate system containing and "X" and "Y" axis).

Lee does not teach the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids.

However, Gudmundson teaches the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids (col. 50, lines 57-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee by having the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids as taught by Gudmundson in order to provide a standardized design with symbols and an interface that provides functionality based on a control element.

As to **claim 57,** Lee teaches a method (Abstract) a method, comprising:

displaying a gauge face for a user-selected gauge type (fig. 2B, label 34; col. 2, lines 22-29), the gauge face shown in two dimensions (col. 7, lines 16-23, lines 50-55);
displaying, in association with the selected gauge type, a set of visual aids (col. 7, lines 2-5), each of the visual aids corresponding to at least one potential gauge function (col. 7, lines 6-7); enabling a user to place selected ones of the visual aids at horizontal and vertical locations chosen by the user (col. 6, lines 63-67; col. 7, lines 1-7);
enabling the user to specify at least one of the potential gauge functions for each of selected ones of the visual aids in the set (col. 6, lines 63-67; col. 7, lines 1-7);
outputting a data file (col. 7, lines 24-31) for use in manufacturing a sample of a gauge corresponding to the user-selected gauge type, the data file comprising data corresponding to the selected visual aids (fig. 2B, label 32; col. 7, lines 36-39);
and based at least on the output data file (col. 7, lines 24-31), manufacturing the sample of the gauge (fig. 2B, label 32; col. 7, lines 36-39), wherein a gauge face of the gauge

comprises symbols corresponding to the visual aids (fig. 2B, label 34; col. 2, lines 22-29), each symbol presented on the gauge face at a horizontal and vertical location that corresponds to a corresponding visual aid (col. 7, lines 8-9, that the displayed symbol is aligned via a coordinate system containing and "X" and "Y" axis.

Lee does not teach the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids.

However, Gudmundson teaches the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids (col. 50, lines 57-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee by having the associated specified gauge functions and locations on the gauge thereof and the gauge comprises a controller to provide the specified gauge functions corresponding to the symbols of the visual aids as taught by Gudmundson in order to provide a standardized design with symbols and an interface that provides functionality based on a control element.

4. Claims 3-4 and 10-1l are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Gudmundson and further in view of Henson (US Patent 6,167,383).

As to claim 3, Lee teaches method to specify a gauge (abstract), comprising:

in response to a user accessing a server coupled to a data communications network (fig. 1; col. 3, lines 35-43), displaying an image of a user-selected gauge type (fig. 2B, label 34; col. 2, lines 22-29), the mage shown in at least two dimensions (col. 7, lines 16-23, lines 50-55) and comprising a plurality of at least two-dimensional visual aids, the plurality of at least two-dimensional visual aids (col. 6, lines 63-67; col. 7, lines 1-7) placed at a plurality of vertical and horizontal locations in the image (col. 7, lines 8-9, that the displayed image on a common display is in a 2 dimensional format and aligned via a coordinate system containing and "X" and "Y" axis).

Lee does not teach at least two of the plurality of at least two-dimensional visual aids having different shapes in the at least two dimensions and having different vertical locations on the image and in response to a selection of at least one type of gauge function for one of the visual aids, changing the displayed image to correspond to the selected gauge function.

However, Gudmundson teaches at least two of the plurality of at least two-dimensional visual aids having different shapes in the at least two dimensions and having different vertical locations on the image (fig 3, labels 310, 3160, 316D; col. 24, lines 48-58, that are elements) and in response to a selection of at least one type of gauge function for one of the visual aids (fig. 12G, label 1123; col. 41, lines 2-5), changing the displayed

image to correspond to the selected gauge function (col. 49, lines 17-24; col. 51, lines 9-28).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Lee by having at least two of the plurality of at least two-dimensional visual aids having different shapes in the at least two dimensions and having different vertical locations on the image and in response to a selection of at least one type of gauge function for one of the visual aids, Changing the displayed image to correspond to the selected gauge function as taught by Gudmundson in order to change/specify the location "X" or "Y" axis alignment (e.g. horizontal or vertical) of the elements on the display screen to provide the author the enhanced ability to design a multimedia file (image) to their preference. Lee and Gudmundson do not teach enabling the user to specify individual ones of gauge functions using a plurality of drop down menus.

However, Henson teaches enabling the user to specify individual ones of gauge functions using a plurality of drop down menus (fig. 3A, label 77; col. 9, lines 13-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by enabling the user to specify individual ones of gauge functions using a plurality of drop down menus as taught by Henson in order to provide the customer with pre-selected available options through an easier to use design interface.

As to claim 4, Lee further teaches preparing at least one sample of the selected gauge type in accordance with the selected gauge functions (fig. 2B, label 34; col. 7, lines 36-41).

As to claim 10, Lee teaches a tool operable to specify a gauge, comprising a graphical user interface for displaying an image of a selected gauge type (fig. 2B, label 34; col. 2, lines 22-29), the image shown in at least two dimensions (col. 7, lines 16-23, lines 50-55) and comprising a plurality of visual aids (col. 6, lines 63-67; col. 7, lines 1-7), the plurality of visual aids placed at a plurality of vertical and horizontal locations in the image (col. 7, lines 8-9, that the displayed image on a common display is in a 2 dimensional format and aligned via a coordinate system containing and "X" and "Y" axis) the graphical user interface further for enabling a user of the web tool (fig. 3; col. 6, lines 33-38).

Lee do not teach the graphical user interface enable specification by the user of both a horizontal location and a vertical location in the image of at least one of the instrument parameters, the graphical user interface, further operable, in response to a selection of at least one type of gauge function, to change the displayed image to correspond to the selected gauge function for one of the visual aids.

However, Gudmundson teaches the graphical user interface enable specification by the user of both a horizontal location and a vertical location in the image of at least one of the instrument parameters (fig 3, labels 310, 3160, 316D; col. 24, lines 48-58, that are

elements), the graphical user interface, further operable, in response to a selection of at least one type of gauge function (fig. 12G, label 1123; col. 41, lines 2-5), to change the displayed image to correspond to the selected gauge function for one of the visual aids (col. 49, lines 17-24; col. 51, lines 9-28).

Therefore, it would have been obvious to one 6f ordinary skill in the art at the time the invention was made to modify Lee by having the graphical user interface enable specification by the user of both a horizontal location and a vertical location in the image of at least one of the instrument parameters, the graphical user interface, further operable, in response to a selection of at least one type Of gauge function, to change the displayed image to correspond to the selected gauge function for one of the visual aids as taught by Gudmundson in order to change/specify the location "X" or "Y" axis alignment (e.g. horizontal or vertical) of the elements on the display screen to provide the author the enhanced ability to design a multimedia file (image) to their preference.

Lee and Gudmundson do not teach to specify individual ones of gauge functions of the visual aids using at least one drop down menu, further operable, in response to a selection of at least one type of gauge function for one of the visual aids.

However, Henson teaches to specify individual ones of gauge functions of the visual aids using at least one drop down menu (fig. 3A, label 77; col. 9, lines 13-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by teach to specify individual ones of gauge functions using at least one drop down menu as taught by Henson in order to

provide the customer with pre-selected available options through an easier to use design interface.

As to claim 11, Lee further teaches operable to send a data file (col. 7, lines 24-31) for use in preparing at least one sample of the selected gauge type in accordance with the selected gauge functions (fig. 2B, label 32; col. 7, lines 36-41).

5. Claims 8-9, 15-16, 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Gudmundson, and further in view of Motomiya (US Patent 6,083,267).

As to claim 8, Lee and Gudmundson do not teach the configurable gauge functions are located at user selected locations in the image, and have a fixed size and shape.

However, Motomiya teaches the configurable gauge functions are located at user selected locations in the image (col. 6, lines 7-10), and have a fixed size and shape (col. 4, lines 63-67 and col. 5, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by locating the configurable gauge functions at user selected locations in the image as taught by Motomiya in order to

ensure the gauge is designed utilizing the available fixed size and shapes to the users specifications.

As to Claim 9, Lee and Gudmundson do not teach the configurable gauge functions are located at user selected locations in the image, and have at least one of a size and a shape selected by the user.

However, Motomiya teaches the configurable gauge functions are located at user selected locations in the image (col. 6, lines 7-10), and have at least one of a size (col. 4, lines 63-67) and a shape (col. 6, lines 4-7) selected by the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by locating the configurable gauge functions at user selected locations in tee image, and have at least one of a size and a shape selected by the user as taught by Motomiya in order to give the user the ability to design the gauge to their needs, by selecting the location, size and shape of the configurable gauge function.

As to claim 15, Lee and Gudmundson do not teach the configurable gauge functions are located at user selected locations in the image, and have a fixed size and shape.

However, Motomiya teaches the configurable gauge functions are located at user selected locations in the image (col. 6, lines 7-10), and have a fixed size and shape (col. 4, lines 63-67 and col. 5, lines 1-5). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by locating the configurable gauge functions at user selected locations in the image as taught by Motomiya in order to ensure the gauge is designed utilizing the available fixed size and shapes to the users specifications.

As to claim 16, Lee and Gudmundson do not teach the configurable gauge functions are located at user selected locations in the image, and have at least one of a size and a shape selected by the user.

However, Motomiya teaches the configurable gauge functions are located at user selected locations in the image (col. 6, lines 7-10), and have at least one of a size (col. 4, lines 63-67) and a shape (col. 6, lines 4-7) selected by the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by locating the configurable gauge functions at user selected locations in the image, and have at least one of a size and a shape selected by the user as taught by Motomiya in order to give the user the ability to design the gauge to their needs, by selecting the location, size and shape of the configurable gauge function.

As to claims 47 and 49, Lee and Gudmundson do not teach allowing, after a visual aid has been associated with a chosen configurable gauge function, the user to perform at least one of changing a location of the chosen configurable gauge functio$_n$, re-sizing the chosen configurable gauge function, changing an orientation of the chosen configurable

gauge function, changing an aspect ratio of the chosen configurable gauge function, or changing a shape of the chosen configurable gauge function, and wherein the data file also comprises information corresponding to resultant location, size, orientation aspect ratio, or shape of the chosen configurable gauge function.

However, Motomiya teaches allowing, after a visual aid has been associated with a chosen configurable gauge function, the user to perform at least one of changing a location of the chosen configurable gauge function, re-sizing the chosen configurable gauge function (col.4, lines 63-67; col. 6, lines 7-10), changing a shape of the chosen configurable gauge function (col. 6, lines 4-7), and wherein the data file also comprises information corresponding to resultant location, size, orientation aspect ratio, or shape of the chosen configurable gauge function (col. 1, lines 52-60; col. 2, lines 15-21; col. 3, lines 39-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lee and Gudmundson by allowing, after a visual aid has been associated with a chosen configurable gauge function, the user to perform at least one of changing a location of the chosen configurable gauge function, re-sizing the chosen configurable gauge function, changing an orientation of the chosen configurable gauge function, changing an aspect ratio of the chosen configurable gauge function, or changing a shape of the chosen configurable gauge function, and wherein the data file also comprises information corresponding to resultant location, size, orientation aspect ratio, or shape of the chosen configurable gauge function as taught by Motomiya in order to give the user the ability to design the gauge to their needs, by selecting/changing the location, re-size and shape of the configurable gauge function.

(Note :) **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Response to Arguments

Applicant's arguments filed 11/21/2007 have been fully considered but they are not persuasive.

A1. Applicant argues on page 10 of amendment that Lee does teach displaying, with a graphical user interface, an image of a user-selected instrument type, the image shown in two dimension as and having a coordinate system; enabling the user to specify, with the graphical user interface, individual ones of a plurality of instrument parameters and horizontal and vertical locations thereof in the coordinate system in a self-documenting fashion.

R1. The Examiner does not agree. Lee provides a system for that supports the exact claimed functionality of the immediate application in such that Lee provides a system having a graphical user interface which allows a user to prototype a product and order the prototype by the users specifications. The designing process is accomplished by a two-dimensional display graphic and by the user interaction with the display graphics. Lee provides basic menu operations as well as more intuitive drag and drop of components to add to the prototype in a run-time interaction with the graphical user interface, thus yielding the fact of a system having a coordinate system to place

graphical components in desired locations to build a prototype/product as provided by a company provided on a company's web site accessible by a web-browser. It would be clear to one of ordinary skill in the art that Lee does in fact teach *" displaying, with a graphical user interface, an image of a user-selected instrument type, the image shown in two dimension as and having a coordinate system; enabling the user to specify, with the graphical user interface, individual ones of a plurality of instrument parameters and horizontal and vertical locations thereof in the coordinate system in a self-documenting fashion."* Support for this analysis is provided in col.6, lines 60-67; col.7, lines 1-15 and 50-67 and col.8, lines 1-7. (http://en.wikipedia.org/wiki/Drag_and_drop); (i.e. drag and drop: rearranging widgets in a graphical user interface to customize their layout).

A2. Applicant argues on page 11 of amendment that Lee does not teach developing at least one prototype instrument for the customer based on the selected parameters and the self-documentation.

R2. The Examiner does not agree. Lee provides a system at which the customer can build a custom device and then order the custom device. The method and system of Lee falls well within the definition of "prototype" in such that the custom order can be of original instance, type or form for the first time. (http://en.wikipedia.org/wiki/Prototype).

A3. Applicant argues on page 11 of amendment that Lee teaches only functionality of the image-based GUI is apparently no more than the functionality of a menu-based GUI.

R3. The Examiner does not agree, as mention in R1 Lee provides the ability in one embodiment for the system and method of drag and drop of objects to custom build a device.

A4. Applicant questions the combination of Lee and Gudmundson on page 14-15 of the amendment and argues that there is no utility for the use of a Point Variable function to be apart of Lee's system.

R4. The Examiner does not agree. The combination of Gudmundson into Lee was to provide clarification on the coordinate system in such that Lee provides the user with the ability to build a device using drag and drop techniques (discussed in R1) and Gudmundson provides better detail teachings of moving objects with an area to create a desired design. In such the combination shows the clarification on a system to which a user can design a product by dragging and dropping graphical information to form a "prototype"/product that can be ordered (note R2), thus also providing the ability to track the horizontal and vertical dragging and dropping of objects within an area. It would be clear that Lee provides the introduction to dragging and dropping of information within Lee's system and Gudmundson provides the finer details of how that is implemented within the system.

A5. Applicant argues that the product being made is not a gauge on page 15 of the amendment.

R5. The Examiner notes that Lee in view of Gudmundson provide a system at which performs the exact same functionality of the immediate application in respect to a method for enabling a user of an e-commerce system to visually view and configure a product for purchase (emphasis added). A product being a gauge is non-functional descriptive material, in such that Lee in view of Gudmundson discloses a system that provides the same exact functionality of the immediate application. Arguments made towards a "gauge" will be referred to a product for arguments 6 and 7 below.

A6. Applicant argues on page 16, that Gudmundson does not teach a mapping functionality.

R6. The Examiner does not agree in col.50, lines 57-62, Gudmundson expressly discloses the functionality which entails mapping (Linking) of information. Note R5, regarding gauge (product).

A7. Applicant argues that Henson does not teach the user of drop down menus for selecting desired information on page 18 of the amendment.

R7. The Examiner does not agree as depicted in figure 3A is the use of drop-down boxes in an e-commerce environment. Note R5, regarding gauge (product).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

N. Augustine
February 14, 2008

BA HUYNH
PRIMARY EXAMINER